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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/728,784	11/30/2000	Kevin Wigen	PA1666US	2694
22830	7590	12/02/2003	EXAMINER	
CARR & FERRELL LLP 2200 GENG ROAD PALO ALTO, CA 94303			MAHMOUDI, HASSAN	
			ART UNIT	PAPER NUMBER
			2175	
DATE MAILED: 12/02/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/728,784

Applicant(s)

WIGGEN ET AL

Examiner

Tony Mahmoudi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

SUPERVISORY PATENT EXAMINER
DOV POPOVICI
HARRIS CENTER 2100

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DETAILED ACTION

Remarks

1. In response to communications filed on 29-September-2003, claims 1, 4, 6, 14, and 16-17 are amended per applicant's request. Claims 1-17 are presently pending in the application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carpenter (U.S. patent No. 6,199,068) in view of Cabrera et al (U.S. patent No. 6,453,325.)

As to claim 14, Carpenter teaches a method for storing data (see column 1, lines 14-19), comprising the steps of:

(a) initially receiving the data into a data system (see column 6, line 64 through column 7, line 9) that is designed to ensure the integrity of the data (see column 13, lines 23-32); and

(c) copying the data from the data system to a file system, designed to manage files, using protocols that ensure the integrity of data during the copying (see column 13, lines 58-65.)

Carpenter does not teach creating metadata that can be used to ensure the integrity of the data and describe and track the state and location of the data.

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Cabrera et al teaches backup and restoration of database systems (see Abstract), in which he teaches creating and using metadata that can be used to ensure the integrity of the data (see column 26, lines 15-18) and describe and track the state and location of the data (see column 27, line 59 through column 28, line 5, where “tracking the state” is read on indicating that the “file is linked”, and “location of the data” is read on reflecting that the file is “in the proper file group”).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified have modified Carpenter to include creating metadata that can be used to ensure the integrity of the data and describe and track the state and location of the data.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Carpenter with the teaching of Cabrera et al, because creating metadata that can be used to ensure the integrity of the data and describe and track the state and location of the data would increase the stability and reliability of the file system.

As to claim 15, Carpenter teaches a method of transferring data between a first system and a second system (see column 37, lines 9-16) while ensuring the integrity of the data (see column 41, lines 11-12.)

(a) determine when the data transfer is in progress (see column 19, line 65 through column 20, line 3);

(b) determine when the data transfer has been successfully completed (see column 22, lines 41-45); and

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(c) indicate when rollback procedures can be initiated from a backup (see column 12, lines 43-50.)

Carpenter does not teach using metadata.

Cabrera et al teaches backup and restoration of database systems (see Abstract), in which he teaches using metadata (see column 13, lines 48-53, and see column 24, lines 20-30.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified have modified Carpenter to include using metadata.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Carpenter with the teaching of Cabrera et al, because using metadata would provide definitions and guidelines as to the status of the data being transferred between systems.

As to claim 16, Carpenter as modified teaches further comprising the step of directing a request to access the data to the second system (see Cabrera et al, column 4, lines 58-63) when the metadata indicates that a data transfer has been successfully completed (see Carpenter, column 22, lines 41-45.)

As to claim 17, Carpenter as modified teaches the method further comprising the step of directing a request to access the data to the first system (see Cabrera et al, column 4, lines 58-63) when the metadata does not indicate that a data transfer has been successfully completed (see Cabrera et al, column 22, lines 49-65.)

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4. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carpenter (U.S. patent No. 6,199,068) in view of Cabrera et al (U.S. patent No. 6,453,325), and further in view of Kauffman et al (U.S. Patent No. 6,260,040.)

As to claim 1, Carpenter teaches a method of managing a data system (see Abstract) designed to ensure the integrity of data and a file system designed to manage files (see column 12, line 65 through column 13, line 11), comprising the steps of:

(a) ensuring data from an external sources is received by the data system (see column 6, line 64 through column 7, line 9); and

(b) ensuring the data is copied from the data system to the file system (see column 13, lines 58-65.)

Carpenter does not teach interpreting metadata to ensure data integrity is maintained during the copying of data from the data system to the file system.

Cabrera et al teaches backup and restoration of database systems (see Abstract), in which he teaches interpreting metadata (see column 9, lines 11-18, where “interpreting metadata” is read on “metadata definition component”) to ensure data integrity is maintained during the copying of data from the data system to the file system (see column 17, lines 38-49.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified have modified Carpenter to include interpreting metadata to ensure data integrity is maintained during the copying of data from the data system to the file system.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Carpenter with the teaching of Cabrera et al, because

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interpreting metadata to ensure data integrity is maintained during the copying of data from the data system to the file system would increase the stability and reliability of the file system.

Carpenter as modified still does not teach wherein the metadata indicates a status of data.

Kauffman et al teaches a shared file system for digital content, in which he teaches wherein the metadata indicates a status of data (see Abstract; see column 6, lines 47-50, column 7, lines 18-21, and see column 9, lines 50-52.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Carpenter as modified, to include wherein the metadata indicates a status of data.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Carpenter as modified, by the teaching of Kauffman et al, because the metadata indicating a status of data, would enable the system to update metadata with the status of the files and provide the metadata (indicating the status of data) to the users of a shared file system, as taught by Kauffman et al (see column 6, lines 25-28.)

As to claim 2, Carpenter as modified teaches wherein the data system that is designed to ensure the integrity of the data is a relational database following ACID protocols (see Carpenter, column 12, lines 43-64.)

As to claim 3, Carpenter as modified teaches wherein the metadata is stored in the relational database (see Cabrera et al, column 9, lines 11-13.)

As to claim 4, Carpenter as modified teaches wherein the metadata comprises a state flag that indicates the status of the data (see Kauffman et al, Abstract, where in “state flag” is read on “check-in status flag”.)

As to claim 5, Carpenter as modified teaches the method further comprising the step of:
(d) directing a request to retrieve the data (see Carpenter, column 23, lines 42-49) to:
the data system when the request is made prior to when the metadata indicates that the step of copying the data to the file system has been completed; or
the file system after the metadata indicates that the step of copying the data to the file system has been completed (see Cabrera et al, column 22, lines 49-65.)

As to claim 6, Carpenter as modified teaches the method further comprising the steps of:
(e) ensuring the data is backed up (see Cabrera et al, column 23, lines 10-21, where “BackupVerify” is taught) based on the metadata (see Kauffman et al, column 8, lines 66-67, where “updating metadata” is taught, and see column 9, lines 50-52. It is inherent that when metadata is updated to indicate changes/edits are made to the data, it can also be updated to indicate data has been backed-up); and

(b) ensuring the data on the data system is deleted after the metadata indicates that the step of copying the data to the file system has been completed (see Cabrera et al, column 9, lines 11-25.)

As to claim 7, Carpenter as modified teaches the method further comprising the step of using the metadata to determine whether a request to retrieve the data should be directed to the file system (see Cabrera et al, column 27, line 59 through column 28, line 5.)

As to claim 8, Carpenter as modified teaches wherein the metadata includes information concerning location of a most recent version of the data and the step of using the metadata (see Cabrera et al, column 28, lines 15-18.)

As to claim 9, Carpenter as modified teaches the method further comprising the step of using the information concerning location to determine where a request to retrieve the data should be directed (see Cabrera et al, column 19, lines 7-16.)

As to claim 10, Carpenter as modified teaches wherein the integrity of the data is ensured during copy, transfer, delete, wipe, rename, and backup operations through use of the metadata (see Cabrera et al, column 6, lines 27-43.)

As to claim 11, Carpenter as modified teaches wherein the integrity of the data is ensured during copy, transfer, delete, wipe, rename, and backup operations through use of the metadata (see Cabrera et al, column 6, lines 27-43) by using minimum ACID protocols (see Carpenter, column 12, lines 43-46.)

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As to claim 12, Carpenter as modified teaches the method further comprising the step of applying a filter to the data during the step copying the data from the data system to a file system (see Carpenter, column 25, lines 29-36.)

As to claim 13, Carpenter as modified teaches wherein the filter is either an anti-virus filter, an access control filter or a security filter, or some combination thereof (see Carpenter, column 25, lines 29-36, where “ScheduleView” handles database access, and wherein schedules are retrieved and filtered by ScheduleView.)

Response to Arguments

5. Applicant's arguments filed on 29-September-2003 with respect to the rejected claims in view of the cited references have been fully considered but they either not found persuasive, or are moot in view of the new grounds for rejection.

In response to applicant's arguments made for claims 1-13, the arguments have been fully considered but are moot in view of the new grounds for rejection.

In response to applicants arguments made for claim 14, that “neither Carpenter nor Cabrera teach this limitation that metadata is used to ensure the integrity of the data”, the argument has been fully considered but is not found persuasive, because Cabrera et al teaches “interpreting metadata” via the “metadata definition component” (see column 9, lines 11-18),

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and he teaches data integrity insurance (see column 17, lines 38-49), as discussed in the previous office action. Furthermore, Cabrera et al teaches this usage of metadata to ensure data integrity in “this requires action by the file manager to ensure that its metadata reflects that a file is linked is in the proper file group” (see column 27, line 66 through column 28, line 1), and by “the file manager in step 2016 checks its metadata, comparing the list of file groups for which reconciliation is to be conducted” (see column 28, lines 15-18.)

In response to applicants argument made for claim 15, regarding metadata indicating statuses such as in progress or completed data transfers, the argument has been fully considered but is not found persuasive, because Carpenter teaches “in progress” status (see column 19, line 65 through column 20, line 3), and “completed” status (see column 22, lines 41-45.) Cabrera et al teaches using metadata to ensure integrity of data (as discussed above). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Carpenter by the teaching of Cabrera et al, because using metadata to determine when the data transfer is in progress or it has been completed, would provide the user with definitions and guidelines as to the status of the data file being copied or updated.

In response to applicant's arguments made for claims 16 and 17, the arguments have been fully considered but are not found persuasive in view of the discussions and remarks made for claim 15 above.

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Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Tony Mahmoudi whose telephone number is (703) 305-4887. The examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached at (703) 305-3830.

tm

November 21, 2003


DOV POPOVICI
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